IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 21959 of 2000

Between:

M/s Ramakrishna Rice Mill, ISC-250, L.T.Cat-II,

Brahmanagudem,West Godavari District, rep. by

Its Managing Partner M.Jaya Rao

..... PETITIONER

AND

1. The Chief Engineer, Electricity, Vijayawada Zone, Near

P.W.D.Grounds, Vijayawada.

2. The Superintending Engineer, Assessment Circle, A.P.Transco,

near P.W.D grounds, Vijayawada.

3. A.P.Transco, rep. by its Secretary, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction particularly in the nature of writ of certiorari quashing the order of the Chief Engineer in proceedings CEE/VZ/VJA/MRT/AE/E.10/99/D.No.449/2000, dated 10-04-2000, as illegal, arbitrary, contrary to the provisions of the Electricity Laws and the conditions of supply and the probabilities of the case and consequently restore the supply to the petitioner Mill with No.ISC 250, L.T-Cat-111 at Brahmanagudem, West Godavari District.

Counsel for the Petitioner:MR.S.SREERAMACHANDRA MURTHY
Counsel for the Respondents: SMT.M.VINOBHA DEVI

The Court made the following :

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O R D E R:

Heard the learned counsel for the petitioner and the learned standing counsel appearing on behalf of the respondents.

The petitioner, which is a rice mill, seeks to assail the action of the respondents in making final assessment in regard to certain irregularities found during the inspection conducted by them.

The case of the petitioner is that it has been running rice mill since 1987 without any complaint whatsoever. However, having regard to the fact that certain damage is caused to the electrical wiring, the petitioner had filed a complaint on 15-10-1997. Subsequently, an inspection was conducted by the respondent-authorities on 17-10-1997, 03-11-1997 and ultimately, on 06-11-1997 and a provisional assessment was made on 10-11-1997 which was followed by a show-cause notice and final assessment. On appeal, the same was confirmed. The ultimate amount which has been arrived at by the respondents comes to Rs.4,10,096/-.

The grievance of the petitioner is that though he made a complaint on 15-10-1997 in regard to the damage caused to the electrical wiring, the respondent-authorities issued the final assessment order with false liabilities with a view to harass him. Further, there was no proper enquiry by the respondent-authorities in the matter. Hence, the writ petition.

Having considered the submissions made and on perusal of the

material on record, it is seen that the case pertains to certain irregularities which were found in pursuance of the inspection made as long back as in 1997. It is now represented that the petitioner has already paid Rs.2,50,000/-. Having regard to the finding of fact as arrived at by both the authorities below, wherein the explanation of the petitioner and the other reasons have been considered and rejected, it is not open for this Court to come to a different conclusion. However, taking into consideration the facts and circumstances of the case, the amount as arrived at by the respondents appears to be on higher side.

The writ petition is accordingly allowed in part. The amount demanded in the proceedings dated 10-04-2000 i.e., Rs.4,10,096/- is reduced to Rs.2,50,000/-, which was already paid by the petitioner. Except the aforesaid amount as pointed above, no further amount shall be demanded by the respondents. No costs.

(**B. PRAKASH RAO, J**)

Date: 26-11-2004

ghn

The Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday, the twenty

sixth day of November, Two thousand and Four.

To

1. The Chief Engineer, Electricity, Vijayawada Zone, Near
P.W.D. Grounds, Vijayawada.

2. The Superintending Engineer, Assessment Circle, A.P.Transco,
near P.W.D grounds, Vijayawada.

3. The Secretary, A.P.Transco, Hyderabad.

4. Two C.D copies.